10 May 2017

Original: English

United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination
New York, 27-31 March and 15 June-7 July 2017
Agenda item 8 (b)
General exchange of views: general exchange of views on all matters

Definition of a nuclear weapon in a treaty prohibiting nuclear weapons

Submitted by Sweden

I. Introduction

1. In a treaty prohibiting specific activities relating to nuclear weapons, a definition of the treaty-accountable item facilitates a better understanding of the prohibited listed activities. When it comes to nuclear weapons, such is already the case in, for example, the nuclear-weapon-free zone treaties. Definitions also exist in other relevant prohibition conventions, including the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the Convention on Cluster Munitions and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

2. Simultaneously, and no less importantly, a definition of the treaty-accountable item ensures that the inalienable right to develop research, production and use of nuclear energy for peaceful purposes without discrimination is not adversely affected.

II. Elements of a definition

3. There are four aspects to consider in the definition of a nuclear weapon in a treaty prohibiting nuclear weapons.

4. **Fissile material.** The objectives of a treaty prohibiting nuclear weapons include it leading towards their total elimination (and then maintaining a world free of nuclear weapons). Given that the immediate aim is prohibition, however, it would be premature to include specific language on the fissile material component of

Please recycle

nuclear weapons at this stage. Explicit text thereon should instead be incorporated at the elimination phase and/or into other instruments such as a fissile material cut-off treaty.

5. **Means of transport or delivery.** Likewise, it is not practical to include specific language on the means of transport or delivery of a nuclear weapon, if it is separable from and not an indivisible part of it; to date there is no international regime for monitoring the use of this class of delivery vehicles. In fact, the nuclear-weapon-free zone treaties explicitly exempt such means of transport or delivery, and language from such treaties can be used for this purpose in the definition to be used in the prohibition treaty.

6. **View of nuclear possessor States.** The definition should be coherent with the view that nuclear weapon possessor States have on the constituting characteristics of a nuclear weapon. It should be emphasized that the coherence aspect is related to the fact that the definition will constrain the activities of those States, not only in areas outside their territories but also inside their respective territories. During the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the nuclear-weapon States presented their glossary of key nuclear terms.[1] This glossary includes a definition of the term "nuclear weapon" that should fulfil the coherence objective.

7. **Peaceful nuclear explosions.** The above-mentioned glossary refers to a "nuclear weapon" as indeed a weapon. The prohibition treaty may wish to include peaceful applications of nuclear explosions as well, and if so the glossary definition can easily be amended to cover peaceful nuclear explosions. Another option for the prohibition treaty is to treat peaceful nuclear explosions in a manner similar to the Comprehensive Nuclear-Test-Ban Treaty, whereby the Review Conference can decide by consensus to approve an underground nuclear explosion for peaceful purposes. In that case, the glossary definition can be used verbatim.

III. Definition

8. Taking the definition of a nuclear weapon from the glossary of key nuclear terms and exempting the means of transport or delivery, the proposal reads as follows:

> **Nuclear weapon**: [Weapon] assembly that is capable of producing an explosion and massive damage and destruction by the sudden release of energy instantaneously released from self-sustaining nuclear fission and/or fusion. It does not include the means of transport or delivery of such an assembly if separable from and not an indivisible part of it.

9. The use of the word in square brackets would depend on the inclusion of nuclear explosions for peaceful purposes in the prohibition treaty. The text on exempting the means of transport or delivery uses the existing definitions in the nuclear-weapon-free zone treaties. Lastly, the wording "massive damage and destruction" makes a compelling link to possible preambular paragraphs on international humanitarian law and the humanitarian consequences of the use of nuclear weapons.

---

[1] See www.state.gov/documents/organization/243287.pdf.